

REGULAR meeting of the Board of Equal Rights Commission held Wednesday, November 18, 2009 in room B-1 of City Hall, Milwaukee, Wisconsin.

PRESENT: George Williams, III
Ray Vahey
Genyne Edwards
Renee Taylor
Chris Her-Xiong
Michael Barndt

EXCUSED: Ivan Gamboa

Staff: Maria Monteagudo, Employee Relations Director
Rebecca Reyes Duke, Commission Staff
Heidi Galvan, Commission Attorney

Chairperson Williams called the meeting to order at 2:05 p.m.

Agenda Item #1

Minutes from the October 21, 2009, Equal Rights Commission (ERC) meeting were approved. (Vahey/Her-Xiong)

Agenda Item #2

Paid Sick Leave Ordinance and Administrative Rules

Ms. Monteagudo stated that she met with staff from the City Attorney's Office last week and a decision was made to review the recommendations for changes to the administrative rules before attempting to finalize for Commission action. Ms. Monteagudo and Deputy City Attorney, Linda Burke, have developed a timeline to review everything and will meet again in January.

Commissioner Barndt asked about the status of the court case.

Ms. Galvan said that another brief is due in early December and then the judge will issue his decision. She does not believe that another court date is currently scheduled; however, she will check the database and report back to the Commission at the next meeting.

Chairperson Williams asked Ms. Galvan how the appeal process works.

Ms. Galvan stated that after each party files briefs, the judge rules and issues a decision. Depending upon the decision, the case could either end there or be appealed to a higher court.

Hearing no further questions, Chairperson Williams moved on to Agenda Item #3.

Agenda Item #3**Department of Neighborhood Services Briefing**

Ms. Monteagudo introduced Art Dahlberg, Commissioner-Department of Neighborhood Service indicating that Mr. Dahlberg would be giving the ERC a briefing on the programs and services that his department provides as they relate to Equal Rights Commission issues.

Mr. Dahlberg stated that the Department of Neighborhood Services (DNS), in a broad sense, is really an enforcement agency that is charged with enforcing the codes of the City of Milwaukee. He said that this enforcement covers a wide range of areas such as:

- Construction: This includes commercial and residential. It may be a new high-rise building or renovations done by a homeowner. DNS oversees the construction and inspects the work to ensure that everything is done per code and that the life/safety provisions required for occupancy are met.
- Fire Inspection: DNS inspects almost every commercial property within the City of Milwaukee as well as many residential properties in the city.
- Zoning Enforcement: This section involves a lot of quality-of-life issues. An example would be the neighbor who is running an illegal auto repair business out of his garage and as a result is keeping everyone awake at night with the noise that comes with auto repairs.
- Condemnations: This area deals with potential buildings to be demolished across the city. DNS demolishes about 75 properties per year; however, more importantly, probably about 5 times as many properties start this process but it encourages people to renovate the property and make them whole again.
- Basic Code Enforcement: This includes commercial and residential properties.
 - Rental properties: The department receives approximately 40,000 complaints per year that result in about 200,000 inspections. Many are a result of tenant complaints. DNS is not a landlord advocate, nor a tenant advocate. They are there to make sure that the code is met.
- Nuisance Control: This area could include, but is not limited to trash in the alley, abandoned vehicles, rodents, etc.
- Environmental Health: This includes inspecting everything from hotels, dry cleaning businesses, gas stations and swimming pools to dog bites and dangerous animal complaints.

Mr. Dahlberg said that these are the broad spectrum areas that DNS handles, but in connection with these areas of responsibility, there are programs that can impact residents' quality of life. For example:

- Rent Withholding Program: A building may have code violations and the owner is issued an order to correct said violations in a reasonable amount of time. If the owner does not respond to the order and the violations are impacting either one or multiple tenants, DNS will provide the tenants with information on withholding their rent from the landlord to pay it directly to DNS. DNS then puts the monies into an escrow account and notifies the landlord that their rental income is now

being held in the escrow account pending correction of the code violations. The positive outcome that this program provides is that the monies in the escrow account can be utilized by DNS to fix the said code violations, but more importantly, the landlord's cash flow from rental income is stopped. The landlord usually recognizes that the smartest thing to do is make the necessary corrections and provide a decent living space for their tenants.

- Landlord Training Program: This program is put on 2 times per month and sees about 1,000 landlords participating every year. This is a traveling program that is held at different locals throughout the city and is available in both English and Spanish. The program started out of a partnership with the Milwaukee Police Department in an effort to educate landlords on how to recognize illegal activity on their property. It has since evolved to now include educating property owners on: tenant prescreening; fair housing laws; common code violations and how to respond when cited; and the legalities of the eviction process. DNS recently sponsored a special program focused on the University of Wisconsin-Milwaukee (UWM) and the unique housing issues that landlords deal with in that area of the city (student overcrowding issues, illegal occupancy, etc.). The success of this particular program has shown that reaching out to the community and leading with education rather than enforcement provides a better way to effect change in our neighborhoods. As a result, DNS will present a series of mini-sessions throughout the next year that will focus on specific components of the broader program.
- Handicapped Accessibility: In conjunction with the Department of City Development-Development Center (DCD), DNS is charged with enforcing the Building Code. Part of the building code has to do with providing handicapped accessibility. DNS is not charged with investigating violations of the ADA as it relates to complaints, but rather the construction standards and design guidelines as required by the ADA and the City's Building Code are met.
- Neighborhood Improvement Program (NIP): This is a federally funded program through the Community Block Grant Development (CBGD) that provides the city \$600,000 annually to assist low- to moderate-income homeowners with funds to renovate their property. Proposals come into DNS and are reviewed for the purpose of the request (making sure that it meets federal guidelines), property ownership, tax balances (property tax is not delinquent), foreclosure issues, income level standards (50% of Milwaukee County median income) and the monitoring of construction and affordability of rental properties.

Mr. Dahlberg said that these are some highlights of DNS services that he thought might be of interest to the Commission.

Chairperson Williams then asked if there were any questions.

Maria Monteagudo asked Mr. Dahlberg how much DNS works with the Milwaukee Metropolitan Fair Housing Council (MMFHC).

Mr. Dahlberg said that DNS worked directly with MMFHC on the UWM training session last week. He said that he will continue to work with them on any issues related to fair housing.

Commissioner Vahey asked if DNS receives and/or handles housing complaints as it relates to racial discrimination.

Mr. Dahlberg said not in that form or fashion. Typically the complaints that DNS receives are related to the building itself or the failure of the property owner to properly maintain it. DNS is not charged with investigating whether or not there was fairness and equity in the rental process.

Commissioner Vahey asked if calls do come in regarding fair housing issues, where are those calls directed. Ms. Monteagudo stated that this type of information would better be provided at the January meeting when we anticipate having a representative of the MMFHC attend the meeting.

Commissioner Edwards asked Mr. Dahlberg what partnerships DNS has with non-profit groups and/or community based organizations. Mr. Dahlberg said that many of the partnerships get recognized when the CDBG spending plan is approved by the Common Council. The funding streams get established with the non-profits and can reach DNS through a number of avenues. DNS is always open to working with non-profits, especially when their services can help address issues outside of the scope of what are inspectors are doing. For example, "Grandma Jones" may have a number of code violations that need to be taken care of however; she is elderly, on a fixed income and has no other resources. As much as we are regulators, we are also trying to find resources that could assist "Grandma Jones" in correcting the violations. Most of DNS' formalized relationships with non-profits come when the funding streams link us together.

Ms. Monteagudo added that this may be an opportunity to link DNS, ERC and community agencies throughout the city.

Commissioner Barndt, in reference to DNS' relationship with Community Based Organizations (CBO) referred to a program that used to be in place that tracked the number of boarded up properties in the city utilizing data provided by CBOs and DNS. He referred to a city ordinance that relates to this issue and questioned Mr. Dahlberg as to how vacant/boarded-up properties are handled.

Mr. Dahlberg stated the ordinance Commissioner Barndt referred to had a sunset clause that expired in February 2009. He went on to say that the Common Council recently passed a file relating to vacant building registration. In the past, a building could be boarded up for up to six months before receiving an order to put it up for sale. That approach didn't help the situation and it wasn't in the best interest of the neighborhood to start dumping properties. Rather than add to the problem, the new approach is to provide a solution to the vacant property issue. The new registration process requires an internal and external inspection that will hold property owners accountable for the upkeep of their buildings. One component of the new process is an inspection fee structure that rewards owners for maintaining their property and a disincentive for owners that fail to do the right thing.

Commissioner Barndt added that the community usually knows about a problem property much sooner than the city or DNS may learn of it. He conveyed his feeling that it is important for DNS to have these types of connections with a CBO who can advise the city of nuisance properties and consult with DNS on how the problem is being dealt with.

Mr. Dahlberg said that DNS does have that type of relationship with some groups, but he has come to learn that when the issue is the strongest, that is when the relationship becomes the strongest. When you don't have that many properties that are problematic in your neighborhood that is when the relationship begins to fall away. This is in part due to redirecting resources to an area where there are a lot of problems. He went on to say that since he has been with the city, he has met a number of good organizers that he is creating strategies with that include doing neighborhood walks with inspectors to identify problems in the neighborhood and then working together to solve the problem.

Commissioner Her-Xiong asked if the Neighborhood Improvement Project (NIP) is for owner occupied or commercial buildings and how the project is being communicated to residents and non-profits. Mr. Dahlberg stated that the NIP is for owner occupied homes only and the non-profit engagement comes through the CBGD grants.

Commissioner Her-Xiong asked if and/or how does the CBGD or DNS ensure that residents are made aware of the availability of certain programs. For example, are there brochures or is information made available in other languages? She said that it concerns her that although this sounds like a win-win scenario, if people don't know about it, they can't reap the benefits.

Mr. Dahlberg said that it is a win-win for everyone in terms of how far \$600,000 can go. He said that DNS has been working diligently with their Code Enforcement Inspectors (CEI) to specifically to become educators as well as enforcers. Using the "Grandma Jones" example, the CEI may offer Grandma Jones a listing of resources that can assist her with making the necessary repairs. This is where the networking with agencies begins.

Ms. Monteagudo asked if DNS tracks these types of referrals. Mr. Dahlberg responded that tracking is done only on an enforcement level. However, he said that his inspectors do refer residents to agencies that could provide needed assistance whether it is for translation purposes or other needs.

Commissioner Barndt asked if the Targeted Investment Neighborhood (TIN) is still in place and if so, how difficult has this process been and what are some of the barriers to make the deal work out and bring an entire block face back? Mr. Dahlberg said that the TIN program is still in operation. He said that there is multi agency involvement. The role of DNS is to inspect the TIN to assist in driving this mechanism. DCD is the department that is actually managing the ongoing process.

Commissioner Barndt said that although DNS is complaint driven, to what extent is DNS proactively addressing neighborhood problems? Mr. Dahlberg said that this is one of the

issues that created a new departmental objective as part of this budget cycle. He acknowledged the need to move from a complaint-based model to a proactive-based one. They need to be able to go out into neighborhoods and do the Block Face Surveys and start coupling with the agencies that we can bring resources to bringing back a neighborhood one block at a time. This is going to involve partnerships with a lot of community organizations, especially with DCD. The role of DNS will be the Block Face Survey, the inspections, the writing of the orders, directing people to additional resources. Many of the properties are not owner occupied and they need to convey to the property owners that they have a higher responsibility than just showing up on the first of the month to collect the rent.

Chairperson Williams asked how religious institutions escape handicapped accessible conveyances to and from their facilities? Mr. Dahlberg responded by saying "They do and they don't." They do escape it through the ADA, but they don't through the Building Code. In the late 80's to early 90's, there was a decision made by the institution that promulgates the Building Code saying that while safe harbor is important, there is a measure of equality that needs to be put in place and handicap persons need to be treated the same whether they are in a place of religion or not. The Building Code said that this exemption doesn't exist, so the designer's challenge is trying to comply with both standards. For a church doing renovations, they are going to provide a ramp to comply with Building Code even though they may have been alright from a pure ADA analysis.

Ms. Monteagudo stated that it is fascinating to hear about the additional "social service" work that our inspectors are doing and it gives her pause to think about how well we are doing our jobs with ensuring that these inspectors are prepared to provide social service or social needs information. How do you reconcile what they do as far as enforcing the code with trying to identify the needs of citizens and the making of a referral to an agency? Mr. Dahlberg responded that he is not a social worker, but he is looking at the issue that he is involved with and recognizing that taking a property owner to court is not always the answer and there may some other resources that may solve the problem. But, ultimately, it is up to the property owner to utilize the information that is given to him. Part of the success of enforcement is education. Some inspectors are better than others at providing the education portion of enforcement. Ultimately, the department may have to bring in some additional training resources as a part of the shift in DNS to a proactive approach to enforcement.

Commissioner Her-Xiong asked about receiving statistical information regarding the grants that have been awarded to agencies. Ms. Monteagudo responded that this information would be tracked by the Department of Administration rather than DNS.

Commissioner Barndt said that with the foreclosure issue being widespread across the country, we now have more bank-owned properties that become rundown due to lack of care for the property. Is this an issue that we have here in Milwaukee?

Mr. Dahlberg said that we do not have it to the degree that it is in other areas of the Country. From that respect, Milwaukee is in a better place. The Common Council did pass an ordinance that states the lending institutions have a responsibility to maintain

basic care of foreclosed properties. DNS targeted an area in Milwaukee that had the highest rate of foreclosures to ensure property maintenance continued and didn't drag the rest of the neighborhood down. We do have issues in Milwaukee, but not as bad as some other areas of the Country.

Commissioner Barndt asked what is being done to track these properties. Mr. Dahlberg said that trend data will begin in 2010. The data that is available right now is imperfect as it is complaint data from a complaint driven process.

Commissioner Barndt stated that immigrants may have more problems because landlords can take advantage of them (language barriers, lack of legal knowledge, etc). He asked Mr. Dahlberg if DNS has experienced this type of problem. Mr. Dahlberg said that there are some landlords that do have bad (illegal) practices. When DNS gets this type of information, they take the landlord to court. DNS deals with approximately 40,000 complaints per year, so it is difficult to add a component of outreach, however, they are trying to solve the issues that are brought to their attention. They would like to do more, such as a tenant training program similar to the landlord training program.

Ms. Monteagudo said that in relation to the issue of immigrant tenants, they may not trust DNS as the enforcement agency; however, if DNS utilizes the neighborhood groups (Hmong American Association, Southside Community Orgs, etc.) as a vehicle to communicate services, immigrants may have a better chance of hearing about and/or utilizing available services.

Mr. Dahlberg said the best example of this is the great relationship they have with South Side organizations that do get the information out to their neighborhood groups. They participate in the landlord training program and provide interpreters as needed. Chairperson Williams and the Commissioners thanked Mr. Dahlberg for his briefing. The Chair then moved on to the next agenda item.

Agenda Item #4

Committee Reports

Accountability Committee

Commissioner Barndt provided a report of the Accountability Committee. The Committee met on Monday, November 17th, 2009, to work on drafting a cover letter and survey (draft of which was attached to the minutes for the 10/21/09 ERC meeting) to be distributed to city departments. The survey will ask departments to report on critical examples of relevant programs and services they support and perform in relation to the City's equal rights goals. The survey requires them to think about what they do within the framework of the Commission's work and provides an opportunity to "highlight" their work. Commissioner Barndt provided an overview of the survey instructions and touched on specific survey areas and how they relate to the department briefings to date. He encouraged the other Commissioners to review the draft and make any suggestions for improvement.

Commissioner Edwards, referring to the draft, commented that the “report card” may be an area that the two committees could work on together as the Community & Neighborhood Engagement Committee plans on developing a newsletter that would incorporate the “report card”.

Commissioner Barndt said that the term “report card” is another area that the committee would take comment on. He said that “report card” infers making a judgment.

Commissioner Taylor brought up the discussion that the committee had regarding using the term “report card” and the connotation of a letter grade that comes with it. She clarified that the report card would just be a report to the Common Council and the Mayor—not a judgment of a department’s response to the survey.

Chairperson Williams said that his view of the report card is a report to the Common Council regarding the activities and progress of the ERC over the previous year. Therefore, it is an informational report to the Council and public about the workings of the Commission throughout the year.

Ms. Monteagudo then provided an overview of the legislation tied to the Equal Rights objectives under Chapter 109. There are two separate reports required by Chapter 109. 109-23 relates to reports by departments to the ERC and 109-25 relates to a report to the Mayor and Common Council on ERC activities and progress throughout the year.

Commissioner Barndt added that it is the responsibility of the ERC to report on the progress and activities of city departments as it relates to equal rights issues.

Commissioner Her-Xiong added that it is the ERC’s obligation to report to our community the “facts”. Therefore, the objective is not to grade departments, but rather report the facts.

Chairperson Williams asked for further questions/comments from the Accountability Committee.

Commissioner Her-Xiong asked about the collection of the survey results. Ms. Monteagudo said that the Department of Employee Relations would collect the data. She then posed the question to the Commission regarding surveying all departments or only certain departments as some may not feel they have anything to report.

Chairperson Williams deferred this to the Accountability Committee to discuss and make a determination. Hearing no further questions, the Commission moved on to the next report.

Community & Neighborhood Engagement Committee

Commissioner Edwards indicated that the Committee met on November 11th, 2009. She added that the Committee has now added the word “Neighborhood” to its name as stated in Chapter 109. The Committee discussed the draft letter that will be sent out to all community agencies identified in the listing created earlier in the year (100+

agencies). The intent of the letter is two-fold. The initial purpose will be to introduce the ERC and its members and identify the responsibility of the ERC as a whole. Following the introduction of the full Commission, the letter introduces the Community & Neighborhood Engagement Committee (CNEC) and identifies their objective which is to establish and maintain collaborative relationships with area human rights organizations, the academic community, the private sector and other area agencies that work to promote equal rights and equal opportunities for Milwaukee's diverse population. The letter invites the agency to contact the ERC in an effort to identify mutual agendas and explore opportunities to forge a partnership with the agency and work collaboratively to improve the quality of life for Milwaukee's diverse population. The letter also informs the agency that the ERC is working on a website that will include a contact link for their agency and to review the information that we have and inform us of any changes to their perspective information or inform us if they would prefer not to be on the website. Following the response from agencies, the CNEC discuss focusing on an initial group of 25 agencies. In addition to the letter, the CNEC discussed focusing on current events and/or emerging issues of the day (foreclosure, homelessness, etc.) and looking at how the CNEC goals could align with some of those issues to determine if an opportunity exists to connect with organizations that are focused on that specific issue.

Commissioner Vahey explained that they were only going to initially contact 25-30 agencies that focus on specific areas as they relate to the mission of the ERC, but decided to send the letter of intro to all agencies on the list to let them know who were are and what we do. The narrowing of the list following the letter of introduction will provide a more manageable group and allow for a more personal collaboration. Depending upon the response to the letter, more agencies will be added along the way.

Ms. Monteagudo added that the purpose of the letter is really to let these agencies know that the ERC is in existence and explain what it is that we do and identify opportunities to partner depending upon their agendas. In addition, we want to get their permission to include them on the website and make certain that the contact information we have and content of what we want to include is accurate. This is the first stage of contact. The second stage is strategizing on how to make sure that the ERC is effective at addressing one specific issue, the "emergency issue-of-the-day" as opposed to all of the equal rights issues that Milwaukee is facing today. One way to do this is to send a second letter to those agencies that deal with the "issue of-the-day" to identify opportunities to work together may be a way to get the ball rolling. In addition, we need to figure out how link the CNEC initiatives with the Accountability Committee initiatives.

Commissioner Edwards stated that another goal that was discussed for 2010 was having some of the organizations that respond to the letter of intro come in and brief the ERC on their mission and goals for 2010. This would provide an opportunity for them to put a face with a name and vice-versa. In addition, the CNEC discussed developing a quarterly newsletter that would not only highlight the work that the ERC is doing, but also celebrate the work that city departments and outside agencies are doing as it relates to equal rights. The newsletter also provides an opportunity to link the work of the Accountability Committee to the CNEC work and bring it full circle to highlight and celebrate the work of the ERC as a whole.

Commissioner Taylor suggested that all documents that were handed out today be reviewed and commented on by December 4th. The Accountability Committee and Community & Neighborhood Engagement Committees will then have to set up meeting dates prior to the holidays to have final documents ready to go.

Chairperson Williams agreed and asked that committee members make note that date and work together to schedule their next meeting dates. He then asked for any further comments on this agenda item. Hearing none, he moved on to the next item.

Agenda Item #5

Chairperson Williams motioned to schedule the next meeting for Wednesday, January 20th, 2010 at 2:00 p.m. Commissioner Vahey moved, seconded by Commissioner Edwards. Chairperson Williams then asked if there were any further comments.

Chairperson Williams motioned for adjournment. Moved by Commissioner Vahey and seconded by Commissioner Her-Xiong.

The meeting adjourned at 3:55 p.m.